

MARTHA BOERSCH (CABN 126569)
Attorney for the United States
Acting under Authority Conferred by 28 U.S.C. § 515
BENJAMIN WOLINSKY
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6996
Fax: (415) 436-6570
Email: benjamin.wolinsky@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:25-CR-00053 WHO
Plaintiff,)	
v.)	WRIT OF GARNISHMENT
NOAH ROSKIN-FRAZEE,)	
Defendant,)	(RETIREMENT ACCOUNT)
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FIDELITY BROKERAGE SERVICES, LLC,)	
and)	
FIDELITY WORKPLACE SERVICES, LLC,)	
Garnishees.)	
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TO: Fidelity Brokerage Services, LLC
Fidelity Workplace Services, LLC
900 Salem St.
Smithfield, RI 02917

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WRIT OF GARNISHMENT
3:25-CR-00053 WHO

YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE DEFENDANT-DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.

The name, last known address, and last four digits of the account number belonging to the person who is the defendant-debtor in this action (“defendant”) and whose property is subject to this Writ are, as follows:

Noah Roskin-Frazee
c/o Miranda Kane
CONRAD | METLITZKY | KANE LLP
217 Leidesdorff Street
San Francisco, CA 94111
(Roth Individual Retirement Account, account no. ending in 2928)

This Writ has been issued pursuant to a stipulation between the United States of America and defendant, and an order issued pursuant to that stipulation, to enforce the collection of criminal restitution of at least \$3,945,096.32 in this case. As of March 31, 2025, the outstanding balance is \$3,110,096.32.

The following are the steps that you must take to comply with this Writ. If you have any questions, you should consult with your attorney.

1. Pursuant to 28 U.S.C. § 3205(c)(2)(F) and the terms of the stipulation and order filed in the above referenced case, you must immediately withhold and retain the Roth Individual Retirement Account, account no. ending in 2928 (“Retirement Account”) in the name of Noah Roskin-Frazee, until you receive instructions from the United States regarding distribution and payment of the property at issue. Defendant has a substantial nonexempt interest in this property.

2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within **10 days** after service of this Writ upon you. You must answer the Writ even if you do not have in your custody, control, or possession, any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following information:

- a. Whether or not you have in your custody, control, or possession property owned by the defendant in which the defendant has a substantial nonexempt interest, specifically the Retirement Account, account no. ending in 2928;

- b. a description of such property and the value of such property;
- c. a description of any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt; and
- d. the amount of the debt you anticipate owing to the defendant in the future and whether the period for payment will be weekly or another specified period.

For your convenience, a form which addresses the above-requested information is attached and may be used to answer the Writ.

3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and (c)(4), **within ten (10)** days after service of this Writ upon you, you must **mail or deliver** the original answer bearing the original signature of the person preparing the answer to the Court at the following address:

Clerk, United States District Court
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

At the same time you mail or deliver the original answer to the Court, you must also **mail or deliver** a copy of the original answer to both the defendant and attorney for the United States at the following respective addresses:

Noah Roskin-Frazee
c/o Miranda Kane
CONRAD | METLITZKY | KANE LLP
217 Leidesdorff Street
San Francisco, CA 94111

Benjamin J. Wolinsky
Assistant U.S. Attorney
450 Golden Gate Avenue, 9th Floor
P.O. Box 36055
San Francisco, CA 94102

Please note that the attached answer form contains a **certificate of service** which needs to be completed by the person mailing the copies of the answer to the defendant and the attorney for the United States, and which needs to be filed with the Court along with the answer.

4. In accordance with the terms of the stipulation and order, you must liquidate the entirety of the Retirement Account, account no. ending in 2928, and shall pay all proceeds, after any necessary

1 tax withholdings, to the Clerk, United States District Court, according to the instructions in the order.

2 5. Although the defendant is younger than 59 and one-half, the “early withdrawal” penalty
3 under 26 U.S.C. § 72(t) should not be applied because the withdrawal described above is for the
4 payment of criminal restitution, which courts treat as equivalent to a tax lien. *See* 18 U.S.C. § 3613(c)
5 (criminal restitution order is “a lien in favor of the United States on all property and rights to property . .
6 . as if the liability . . . were a liability for a tax”); 26 U.S.C. § 72(t)(2)(A)(vii) (ten-percent penalty
7 for early withdrawals from qualified retirement plans does not apply to levies pursuant to tax liens);
8 *United States v. Novak*, 476 F.3d 1041, 1062 n. 22 (“Retirement plan distributions to satisfy a tax levy
9 are not subject to the ten-percent penalty tax.”); *Murillo v. Commissioner of Internal Revenue*, 1998 WL
10 6462 (No. 18163-96, U.S. Tax Ct., Jan 12, 1998) (involuntary distributions that were criminally
11 forfeited were not subject to the 10% additional tax on early distributions); *Larotonda v. Commissioner*,
12 89 T.C. 287, 292 (1987) (additional tax did not apply where the proceeds of such a plan were levied
13 upon).

14 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN**
15 **ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT**
16 **FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE**
17 **WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE**
18 **THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO**
19 **SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT**
20 **WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT’S**
21 **NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE**
22 **EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY’S FEE TO**
23 **THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN**
24 **THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION**
25 **REQUIRING YOU TO APPEAR.**
26
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28

MARK B. BUSBY,
Clerk of Court
United States District Court
for the Northern District of California

Dated: _____

By: _____
Deputy Clerk